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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,488	10/15/2003	Ryota Tsukidate	041-2057B	3499

7590 09/13/2007
Michael G. Gilman, Esq.
424 Lantana Park
Lexington, KY 40515

EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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09/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/684,488

Applicant(s)

TSUKIDATE, RYOTA

Examiner

Christopher Onuaku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/15/03&1/6/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al (US 5,488,409) in view of Dunn et al (US 5,861,906).

Regarding claim 42, Yuen et al disclose apparatus and methods for facilitating and monitoring the management, storage and retrieval of programs on a cassette of magnetic tape, including the automatic monitoring of the operation of a video cassette recorder, comprising:

a) recording means (see Fig.1, indexing VCR system 10 including a video cassette reader/recorder (VCR) 1 with a conventional video tape cassette 40) for recording program data and program information of a user specified program on a removable recording medium (see VCR 10; col.31, line 48 to col.32, line 30);

b) means for permitting a user to elect one of the recorded programs recorded on the removable recording medium (see col.47, lines 30-54).

Yuen et al fail to explicitly disclose means for assigning a limit value to the one of the selected recorded programs by a center that manages limit values of broadcast

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programs, wherein the limit value is adapted to limit the number of times the selected recorded programs can be played, means for receiving the limit value for the one of the recorded programs from the center, means for recording the limit value on the removable recording medium in association with the program, and means, responsive to the user selecting the one of the recording programs having a limit value, for deciding whether to play the one of the recorded programs.

Dunn et al teach an interactive entertainment network system which has a video-on-demand (VOD) application which allows viewers to create their own customized lists of preferred video contents such as movies, games, TV shows, and so on, comprising a headend which will transmit rented video content program any time the viewer requests it, so long as the rental period associated with that movie has not lapsed. When a rented movie has rental period of 48 hours, for example, a viewer can play the movie until that rental period is reached. Upon the expiration of that rental period, the headend will refuse to transmit the program unless the viewer once again orders it (see col.11, line 37 to col.12, line 50).

Limiting the rental period of a movie in a video rental provides the desirable advantage of controlling and monitoring the rental of movies, for example, in a video rental terminal (store) It would have been obvious to modify Yuen et al by realizing Yuen et al with the means to limit the play of a selected recorded program, as in rental of a selected program, a movie, for example, as taught by Dunn, since this provides the desirable advantage of controlling and monitoring the playing of the recorded programs, in the rental of movies, for example, in a video rental terminal.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lemmons et al (US 6,266,814) disclose interactive television program guide systems and related processes that provide an intuitive search utility for allowing a viewer to locate programs of interest by applying a restrictive search selection criterion and a nonrestrictive sort attribute to program schedule information.

Ishii et al (US 5,361,173) teach a recording and reproducing apparatus applicable in electronic devices for consumer use such as video tape recorder (VTR) for recording and reproducing a program.

Yamada et al (US 6,141,483) teach a recording medium on which data is recorded, a reproducing apparatus for reproducing the data recorded on the recording medium, and a reproducing system for reproducing the data recorded on the recording medium via a network or the like.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


COO

8/21/07.



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600